

TITLE VI
CERTIFICATION OF OPERATORS

CHAPTER 80
Reserved

CHAPTER 81
PUBLIC WATER SUPPLY SYSTEMS AND
WASTEWATER TREATMENT PLANTS

[Prior to 7/1/83, DEQ Ch 21]

[Prior to 12/3/86, Water, Air and Waste Management[900]]

567—81.1(455B) Definitions. In addition to the definitions in Iowa Code section 455B.211, the following definitions shall apply to this chapter.

“*Activated sludge*” means a biological sewage treatment process in which a mixture of sewage and sludge floc, produced in a raw or settled sewage by the growth of zoogloea and other organisms, is agitated and aerated in the presence of a sufficient concentration of dissolved oxygen, followed by sedimentation. This definition includes but is not limited to: conventional activated sludge, extended aeration, step aeration, contact stabilization, Kraus process, Hatfield process, complete mix, high-rate aeration and oxidation ditches.

“*Aerated lagoon system*” means a lagoon system which utilizes aeration to enhance oxygen transfer and mixing in the cell.

“*Aeration*” means the bringing about of intimate contact between air and water. This definition includes but is not limited to: spraying the water in the air, bubbling air through the water or by forcing the air into the water by pressure.

“*Benefited water district*” means a water supply organized pursuant to Iowa Code chapter 357.

“*Chlorination*” means the addition of a chlorine compound or chlorine gas to water to protect the bacterial quality of the water.

“*Classification*” means the type of plant or system, either wastewater treatment plants, water treatment plants, or water distribution systems.

“*Coagulation*” means the agglomeration of colloidal or finely divided suspended matter by the addition to the water of an appropriate chemical coagulant.

“*Continuing education unit (CEU)*” means ten contact hours of participation in an organized education experience under responsible sponsorship, capable direction, and qualified instruction.

“*Demineralization by ion exchange*” means the ion exchange process which reduces the total dissolved solids (TDS) or nitrates.

“*Direct responsible charge*” means, where shift operation is not required, accountability for and performance of active, daily on-site operation of the plant, or of a major segment of the plant. Where shift operation is required, “direct responsible charge” (DRC) for operators means accountability for and performance of active, daily on-site operation of an operating shift, or a major segment of the plant. A city manager, superintendent of public works, city clerk, council member, business manager, or other administrative official shall not be deemed to have direct responsible charge of a system or facility unless this person’s duties include the active, daily on-site operation of the system or facility (on-site operation may not necessarily mean full-time attendance at the plant or distribution system).

“*Direct surface water filtration*” means a water treatment system that applies surface water and groundwater under the influence (influenced groundwater as defined in rule 567—40.2(455B)) directly to the filters after chemical treatment consisting of coagulation and flocculation or chemical treatment consisting of coagulation. This type of system eliminates the sedimentation unit process.

“*Directly related post-high school education*” is post-high school education in chemistry, bacteriology, math, engineering, water, wastewater or other curriculum pertaining to plant and distribution system operation.

“*Director*” means the director of the department.

“*Electrodialysis*” means the demineralization of water by the removal of ions through special membranes under the influence of a direct-current electric field.

“*Fixed film biological treatment*” means a treatment process in which wastewater is passed over a media onto which are attached biological organisms capable of oxidizing the organic matter, normally followed by sedimentation. This definition includes but is not limited to: trickling filters, rotating biological contactors, packed towers and activated filters.

“*Fluoridation*” means the addition of fluoride to produce the optimum fluoride concentration in water.

“*Grade*” means one of six levels of classification of operator certification, designated as either I, II, III, IV, V or VI.

“*Ion exchange softening*” means the process of softening water by passing it through an ion exchange material, such as zeolite, which contains chemicals that are exchanged for the hardness causing elements.

“*Issuing agency*” means a professional, technical/educational organization authorized by the department to provide continuing education for certification renewal or upgrade in accordance with the commitments and guidelines detailed in the written issuing agency agreement and procedures.

“*Operator-in-charge*” means person or persons on-site directly responsible for a plant or distribution system. A city manager, superintendent of public works, city clerk, council member, business manager, or other administrative official shall not be deemed to be the operator-in-charge of a system or facility unless their duties include the active, on-site responsibility for the daily operation of the system or facility. (On-site operation may not necessarily mean full-time attendance at the plant or distribution system.)

“*Oxidation*” means a process for changing soluble iron and manganese to an insoluble form by mechanical aeration or the addition of oxidizing agents. This definition includes but is not limited to: chlorine or potassium permanganate additions or mechanical aeration.

“*Plant*” means those facilities which are identified as either a water treatment plant or wastewater treatment plant as defined in Iowa Code section 455B.211.

“*Population equivalent*” for a wastewater treatment plant means the calculated number of people which would contribute the same biochemical oxygen demand (BOD) per day as the system in question, assuming that each person contributes 0.167 pounds of five-day, 20°C, BOD per day.

“*Post-high school education*” means credit received for completion of courses given or cosponsored by an accredited college, university, technical institute, or issuing agency. Courses offered by regulatory agencies may also be recognized as post-high school education. One year of post-high school education is 30 semester hours or 45 quarter hours or 45 CEUs of credit.

“*Primary treatment*” means a treatment process designed to remove from the sewage organic and inorganic settleable solids by the physical process of sedimentation.

“*Pumpage*” means average daily water use during the most recent one-year period of record.

“*Reverse osmosis*” means the process where external pressure is applied to mineralized water against a semipermeable membrane to effectively reduce total dissolved solids (TDS) and radionuclides content as the water is forced through the membrane.

“*Rural water district*” means a water supply incorporated and organized as such pursuant to Iowa Code chapter 357A or 504A.

“*Stabilization*” means the addition of chemical compounds to water to maintain an ionic equilibrium whereby the water is not in a depository or corrosive state.

“Waste stabilization lagoon” means an excavation designed and constructed to receive raw or pre-treated sewage in which stabilization is accomplished by several natural self-purification phenomena. This definition includes both anaerobic and aerobic lagoons.

567—81.2(455B) General.

81.2(1) A plant having a combination of treatment processes which are in different grades shall be assigned the highest numerical plant grade.

81.2(2) The director may increase a plant or water distribution system grade above that indicated in rules 81.3(455B), 81.4(455B) and 81.5(455B) for those facilities which in the judgment of the director include unusually complex processes or which present unusual operation or maintenance conditions.

81.2(3) The operator-in-charge shall hold a certificate of the same classification of the plant or water distribution system and of equal or higher grade than the grade designated for that plant or distribution system.

81.2(4) Any person who is responsible for the operation of a plant operating shift or a distribution subsystem and is under the supervision of the operator-in-charge identified in 81.2(3) shall be certified in a grade no less than a Grade II level for Grade III and IV plants and distribution systems and Grade I for all other plants and distribution systems.

81.2(5) A certified operator may obtain a duplicate certificate upon payment of the same fee as required for renewal of a certificate.

81.2(6) All owners of plants and distribution systems and operators must notify the department of a change in operators-in-charge within 30 days after the change.

81.2(7) All owners of water treatment plants and water distribution systems must report to the department in January of odd-numbered years on forms provided by the department, the method of treatment provided, the average daily pumpage, and the operator-in-charge.

81.2(8) Any certified operator must report to the department a change in address within 30 days after the change.

81.2(9) Compliance plan. When the director allows the owner of a facility required to have a certified operator time to obtain an operator, the owner must submit a compliance plan indicating what action will be taken to obtain a certified operator. The plan must be on Form 52, “Compliance Plan 542-3120,” provided by the department and must be submitted within 30 days of the facility owner’s receipt of a notice of violation.

567—81.3(455B) Grades of wastewater treatment plants.

81.3(1) Classifications.

		GRADE				
		Based on Design Pounds of BOD ₅ /Day				
		less than 334	335- 835	836- 2505	2506- 8350	more than 8,350
		Based on Design Population Equivalent				
Treatment Type		less than 2,000	2001- 5000	5001- 15000	15001- 50000	more than 50,000
1. Primary Treatment		I	I	II	III	IV
2. Waste Stabilization Lagoon		IL	IL	IL	IL	IL
3. Aerated Lagoon Systems		IL	IL	IIL	IIL	IIL

4. Fixed Film Biological Treatment	II	II	III	III	IV
5. Activated Sludge	II	III	III	IV	IV

81.3(2) Where the design BOD₅ loading is unknown, the plant BOD₅ loading shall be determined by using the average pounds of BOD₅ of the 24-hour composite samples taken in the last 12 months.

If no 24-hour composite samples were taken then grab samples shall be used.

81.3(3) A Grade I or II wastewater treatment certificate will satisfy the requirements for a Grade II or III plant, respectively.

567—81.4(455B) Grades of water treatment plants.

81.4(1) Classifications.

Treatment Type	Grade			
	Pumpage in MGD			
	0 - .1	.1 - .5	.5 - 1.5	> 1.5
1. Iron or manganese removal; aeration; chlorination; fluoridation; stabilization; any other chemical addition; or any combination of these processes.	I	II	II	III
2. Ion exchange softening.	II	II	III	III
3. Direct surface water filtration.	II	II	III	III
4. Utilization of lime, soda ash or other chemical additions for pH adjustment in the precipitation and coagulation of iron or manganese.	II	II	III	III
5. Complete surface water clarification or lime softening of surface or groundwater.	III	III	III	IV
6. Reverse osmosis and electro dialysis.	II	II	III	IV
7. Demineralization or NO ₃ reduction by ion exchange.	II	II	III	IV
8. Activated carbon for THM or synthetic organics removal.	III	III	III	IV

81.4(2) Where the pumpage is unknown, the plant grade will be determined from the population of the most recent census and an evaluation of industrial users.

567—81.5(455B) Grades of water distribution systems.

81.5(1) Classifications.

System Type	Grade		
	Pumpage in MGD		
	0 - 1.5	1.5 - 5	> 5
Municipal system and benefited water districts	I	II	III
Rural water district	II	II	III

81.5(2) Where the pumpage is unknown, the system grade will be determined from the population of the most recent census and an evaluation of industrial users.

81.5(3) A water treatment certificate of the same or higher grade will satisfy the certification requirements for a distribution system.

81.5(4) A water distribution system serving no more than 250 persons is classified IR. Notwithstanding any other provision of this chapter a qualified applicant may be issued an IR certificate without examination. A complete application with a \$20 fee must first be submitted and the appropriate certification fee must be paid within 30 days of receipt of notification of qualification for an IR certificate. Continuing education requirements do not apply for renewal of an IR certificate.

567—81.6(455B) Operator education and experience qualifications.

81.6(1) All applicants shall meet the following educational and experience requirements for the grade of certificate as shown in the table below prior to being allowed to take the examination. Experience shall be in the same classification for which the applicant is applying except that partial credit may be given in accordance with 81.6(2) to 81.6(5). Directly related post-high school education will be granted education credit 2.0 times the number of semester, quarter or CEU credits. The director will determine which courses qualify as directly related in cases which are not clearly defined.

Grade	Education	Education Substitution	On-The-Job Experience	Experience Substitution
I	High school diploma or GED	See 81.6(5) "a"(1), (2), (5)	1 year	See 81.6(5) "b"(1), (3), (4), (5)
II	High school diploma or GED	See 81.6(5) "a"(1), (2), (5)	1 year	See 81.6(5) "b"(1), (3), (4), (5)
IR	High school diploma or GED	See 81.6(5) "a"(1), (2), (5)	None	None
II	High school diploma or GED	See 81.6(5) "a"(1), (2), (5)	3 years	See 81.6(5) "b"(2), (3), (4), (5)
III	High school diploma or GED	See 81.6(5) "a"(1), (2), (5)	3 years	See 81.6(5) "b"(2), (3), (4), (5)
III	High school diploma or GED and 2 years of post-high school education	See 81.6(5) "a"(1), (2), (3), (5)	4 years	See 81.6(5) "b"(2), (3)
IV	High school diploma or GED and 4 years of post-high school education	See 81.6(5) "a"(1), (2), (3), (4), (5)	4 years including one year of DRC experience in a Grade III or IV plant	See 81.6(5) "b"(2), (3)

81.6(2) Laboratory technicians employed in water or wastewater treatment plants are eligible for operator certification examinations as follows:

a. Laboratory personnel with experience only in conducting laboratory analyses, including sample collection, and with no direct experience in plant operation or in making plant operation decisions may apply 50 percent credit for laboratory experience toward meeting operating experience requirements for the Grade I or Grade II certification only.

b. Laboratory personnel employed in a Grade II or higher plant with experience in limited plant operation decisions may apply 50 percent credit for laboratory experience in meeting the operating experience requirements for the Grade I, II or III certification only.

c. Laboratory personnel employed in a Grade III or higher system having experience in plant operation or in limited supervision of plant operation or in both may apply 50 percent credit for laboratory experience in meeting the operating experience requirements for Grade I, II, III, or IV certification only.

81.6(3) Personnel with experience in on-site operation review and evaluation of plants and distribution systems will be allowed 33.33 percent credit for work experience toward Grades I and II certification only.

81.6(4) Maintenance personnel for water and wastewater facilities will be allowed 50 percent of their work experience toward Grades I and II certification only.

81.6(5) The following substitutions for experience or education may be accepted by the director.

a. *Substitution of experience for education.*

(1) One year of operating experience may be substituted for two years of grade school, without limitation.

(2) One year of operating experience may be substituted for one year of high school, without limitation.

(3) One year of operating experience in a Grade II or higher position may be substituted for one year of post-high school education for Grade III certification up to one-half the post-high school education requirement.

(4) One year of operating experience in a Grade III or higher position may be substituted for one year of post-high school education for Grade IV certification up to one-half the post-high school education requirement.

(5) That portion of experience which is applied toward substitution for education cannot also be used for experience.

b. *Substitutions of education for experience.*

(1) Two semester hours or three quarter hours or three CEUs of directly related post-high school education may be substituted for one-half the experience requirement for Grades I and II.

(2) Fifteen semester hours or 23 quarter hours or 23 CEUs of directly related post-high school education may be substituted for one year of experience up to a maximum of half the experience requirement for Grades II, III, IIII, and IV.

(3) That portion of education which is applied toward substitution for experience cannot also be used for education.

(4) Class hours involving closely supervised on-the-job type training in a pilot or full scale facility where there are clearly defined educational objectives may be applied to the on-the-job experience requirement. The substitution value of such training shall be applicable only toward obtaining a Grade I and Grade II Certification and shall not exceed one-half year of on-the-job experience. One hour of on-the-job training is equivalent to three hours of on-the-job experience. One month of on-the-job experience consists of 20, eight-hour days.

Credit for on-the-job training may be applied only to the examination for the type of system in which the experience was obtained.

(5) That portion of on-the-job training courses which is applied toward substitution for the on-the-job experience requirement cannot also be used for education.

567—81.7(455B) Fees effective July 1, 1983.

81.7(1) The examination fee for each examination shall be \$20.

81.7(2) The certification fee shall be \$8 for each one-half year of a two-year period from the date of issuance to June 30 of odd-numbered years.

81.7(3) The certification renewal fee shall be \$24.

81.7(4) The penalty fee shall be \$12.

567—81.8(455B) Examinations.

81.8(1) All persons wishing to take the examination required to become a certified operator of a wastewater or water treatment plant or a water distribution system shall complete the “Operator Certification Examination Application,” Form CFN-542-3118/CPG- 63997. A listing of dates and locations of examinations is available from the central office upon request. The application form requires the applicant to indicate educational background, training and past experience in water or wastewater operation. The completed application and the application fee shall be sent to the director and addressed to the central office in Des Moines. Application for examination must be received by the department at least 30 days prior to the date of examination.

81.8(2) The director shall designate department personnel to evaluate all applications for examination, certification, renewal of certification and upgrading of certification. The director will review applications when it is indicated the applicant has falsified information or when questions arise concerning applicant’s qualification of eligibility for examination or certification.

81.8(3) A properly completed application for examination will be valid for one year from the date the application is approved by the department. An applicant may request only one class and grade of examination with each application. A new application will be required with each different class or grade of examination desired by the applicant.

81.8(4) An applicant who does not qualify for examination at the time of application will have the examination fee refunded if the applicant cannot qualify for examination within one year. If the applicant will qualify for a scheduled examination within one year the applicant will be notified when the examination may be taken and the fee will not be refunded.

81.8(5) Upon failure of the first examination, the applicant may be reexamined at the next scheduled examination. Upon failure of the second examination, the applicant shall be required to wait a period of 180 days between each subsequent examination.

81.8(6) Upon each reexamination when a valid application is on file, the applicant shall submit to the department the examination fee at least ten days prior to the date of examination.

81.8(7) Failure to successfully complete the examination within one year from the date of approval of the application shall invalidate the application.

81.8(8) Completed examinations will be retained by the director for a period of one year after which they will be destroyed.

81.8(9) Upon written request by an applicant for Grade I or II certification, the director will consider the presentation of an oral examination on an individual basis when: the municipality which employs the applicant is not in compliance with Iowa Code section 455B.113; the applicant has failed the written examination at least twice; the applicant has shown difficulty in reading or understanding written questions but may be able to respond to oral questioning; the applicant is capable of communicating in writing with regard to departmental requirements and inquiries; and the director has received a written recommendation for an oral examination from a departmental staff member attesting to the operational and performance capabilities of the applicant. The director shall designate department personnel to administer the examination. The examination shall contain practical questions pertaining to the operation of the facility in which the applicant is employed. Certificates issued to operators through oral examinations shall be restricted to the facility where the operator is employed at the time of certification.

567—81.9(455B) Certification.

81.9(1) All applicants not addressed in 81.9(4) for certification shall successfully complete and pass an examination prior to receiving certification.

81.9(2) Application for certification must be received by the department within 30 days of the date the applicant receives notification of successful completion of the examination. All applications for certification shall be made on a form provided by the department and shall be accompanied by the certification fee.

81.9(3) Applications for certification by examination which are received more than 30 days but less than 60 days after notification of successful completion of the examination shall be accompanied by the certification fee and the penalty fee. Applicants who do not apply for certification within 60 days' notice of successful completion of the examination will not be certified on the basis of that examination.

81.9(4) For applicants who have been certified under other state mandatory certification programs, the equivalency of which has been previously reviewed and accepted by the department, certification in an appropriate classification and grade, without examination, will be recommended.

81.9(5) For applicants who have been certified under voluntary certification programs in other states, certification in an appropriate class will be considered. The applicant must have successfully completed an examination generally equivalent to the Iowa examination and must meet the education and experience qualifications established by the director. The director may require the applicant to successfully complete the Iowa examination.

81.9(6) Applicants who seek Iowa certification pursuant to subrule 81.9(4) or 81.9(5) shall submit an application for examination accompanied by a letter requesting certification pursuant to those subrules. Application for certification pursuant to those subrules shall be received by the director in accordance with 81.9(2) and 81.9(3).

81.9(7) Upon written request by an operator the director may determine that the further education requirements be waived where a plant grade has been increased and the operator has been in direct responsible charge of the existing plant. An operator successfully completing the examination will be restricted to that plant or system until the education requirements are met.

81.9(8) Rescinded, effective March 8, 1985.

567—81.10(455B,272C) Renewals.

81.10(1) Renewal period. All certificates shall expire on June 30 of odd-numbered years and must be renewed every two years in order to maintain certification.

81.10(2) Currently certified operators will be mailed an application for renewal prior to the expiration date of their certificates. Application for renewal must be made in accordance with this rule and the instructions on the form in order to renew the certificate for the next two years. Application for renewal of a certificate without penalty must be received by the director or postmarked prior to the expiration of the certificate, and shall be accompanied by the certification renewal fee.

81.10(3) Late application for renewal of a certificate may be made provided that such late application shall be received by the director or postmarked within 30 days of the expiration of the certificate, on forms provided by the department. Such late application shall be accompanied by the penalty fee and the certification renewal fee.

81.10(4) If a certificate holder fails to renew within 30 days following expiration of the certificate, the right to renew the certificate automatically terminates. Certification may be allowed at any time following such termination, provided that the applicant successfully completes an examination. The applicant must then apply for certification in accordance with 81.9(455B).

81.10(5) An operator may not continue to operate a plant or distribution system after expiration of a certificate without renewal thereof.

81.10(6) Continuing education must be earned during two-year periods beginning on April 1, 1979, and April 1 of odd-numbered years thereafter. A Grade III or IV certified operator must earn two units or 20 contact hours per certificate during each two-year period. All other certified operators must earn one unit or 10 contact hours per certificate during each two-year period. Newly certified operators (previously uncertified) who become certified after April 1 of a two-year period will not be required to earn CEUs until the next two-year period. If an operator upgrades a certificate after April 1 of a two-year period and that upgrade increases the CEU requirement, the operator will not be required to meet the higher CEU requirement until the next two-year period but must earn the lower CEU value for that period.

81.10(7) Beginning July 1, 1981, and succeeding odd-numbered years, only those operators fulfilling the continuing education requirements before the end of each two-year period (March 31) will be allowed to renew their certificate(s). The certificate(s) of operators not fulfilling the continuing education requirements shall expire on June 30 of the applicable biennium.

81.10(8) All activities for which continuing education credit will be granted must be approved by an accredited college, university, technical institute, issuing agency, or by the department and must be related to the subject matter of the particular certificate to which the credit is being applied.

81.10(9) The director may, in individual cases involving hardship or extenuating circumstances, grant an extension of time of up to three months within which to fulfill the minimum continuing education requirements. Hardship or extenuating circumstances include documented health-related confinement or other circumstances beyond the control of the certified operator which prevent attendance at the required activities. All requests for extensions must be made prior to March 31 of each biennium.

81.10(10) It is the certified operator's personal responsibility to maintain a written record and to notify the department of the continuing education credit earned during the period. The continuing education credits earned during the period shall be shown on the application for renewal.

81.10(11) A certified operator shall be deemed to have complied with the continuing education requirements of this rule during periods that the operator serves honorably on active duty in the military services, or for periods that the operator is a resident of another state or district having a continuing education requirement for operators and meets all the requirements of that state or district for practice there, or for periods that the person is a government employee working as an operator and assigned to duty outside of the United States, or for other periods of active practice and absence from the state approved by the director.

567—81.11(455B) Upgrading of certificates. All persons holding an unexpired certificate may upgrade the certificate by examination to a higher grade in the same classification in accordance with 81.6(455B), 81.8(455B) and 81.9(455B). The expiration date of the upgraded certificate shall be the same as the unexpired certificate. Persons who upgrade a certificate during the biennium must also renew the upgraded certificate in accordance with 81.10(455B) to maintain their certification.

567—81.12(455B) Affidavit.

81.12(1) A municipality or other entity that is required to have a Grade I or II certified operator may sign an affidavit with a certified operator of the required classification and grade. The owner of a Grade III surface water treatment plant may also obtain a Grade III operator by affidavit provided that there is a full-time Grade II operator at the plant.

81.12(2) This affidavit will verify that the certified operator who signed the affidavit is the operator-in-charge and has direct responsibility for a plant or distribution system for a municipality or other entity that does not have first rights on the services of that operator. The affidavit form shall be provided by the director and shall require the name and signature of the certified operator, the operator's certification number, class and grade, and the date of last renewal of the operator's certificate. The affidavit form shall be proof that the certified operator has agreed to be directly responsible for the operation and maintenance of the municipality's or other entity's plant or distribution system. Four duly notarized copies of the affidavit must be returned to the director and approved by the director, based upon the ability of the certified operator to properly operate and maintain additional facilities. In event of disapproval, the municipality or other entity must terminate the agreement with the certified operator and seek the services of another certified operator. Both the municipality or other entity and the certified operator shall notify the director at least 30 days before the termination of the agreement.

567—81.13(455B,272C) Discipline of certified operators.

81.13(1) Disciplinary action may be taken against a certified operator on any of the grounds specified in Iowa Code section 455B.219 and chapter 272C, and the following more specific grounds.

a. Failure to use reasonable care or judgment or to apply knowledge or ability in performing the duties of a certified operator. Examples of a wastewater operator's duties are specified in the Water Environment Federation Manual of Practice #11, 1990 edition; California State University, Sacramento, (CSUS) Operation of Wastewater Treatment Plants, Volume I, 1992; CSUS Operation of Wastewater Treatment Plants, Volume II, 1991; CSUS Advanced Waste Treatment, 1987, and in the operation and maintenance manual for the plant. Examples of a water treatment or distribution operator's duties are specified in the American Water Works Association (AWWA) manuals of water supply practice (Nos. 1-33); AWWA Water Supply Operations Series Vol. 1, No. 1901, 1979; Vol. 2, No. 1906, 1984; Vol. No. 3, 1916, 1986; and Vol. 4, No. 1931, 1982; AWWA Reference Handbook: Basic Science Concepts and Applications No. 1940, 1980; AWWA Water Quality Sampling Pocket Guides No. 1857, 1990; No. 1866, 1990; No. 1870, 1992; and No. 1871, 1991; AWWA Water Distribution Operator Handbook No. 20103, 1976; AWWA Work Area Protection Handbook No. 20202, 1978; AWWA Back to Basics Series No. 73014, 1990; No. 73015, 1991; No. 73019, 1992; No. 73020, 1991; No. 73021, 1991; and No. 73025, 1992; and the California State University, Sacramento, (CSUS) Water Treatment Plant Operation, Volume I, 1992; CSUS Water Treatment Plant Operation, Volume II, 1991; CSUS Small Water System Operation and Maintenance, 1993; and CSUS Water Distribution System Operation and Maintenance, 1987.

b. Failure to submit required records of operation or other reports required under applicable permits or rules of the department; including failure to submit complete records or reports.

c. Knowingly making any false statement, representation, or certification on any application, record, report or document required to be maintained or submitted under any applicable permit or rule of the department.

81.13(2) Disciplinary sanctions allowable are:

a. Revocation of a certificate.

b. Revocation or suspension of the practice of a particular aspect of the operation of a plant or distribution system, including the restriction of operation to a particular plant or distribution system, or a particular type of plant or distribution system.

c. Probation under specified conditions relevant to the specific grounds for disciplinary action. Additional education or training, or reexamination may be required as a condition of probation.

81.13(3) Procedure.

a. The director shall initiate disciplinary action. The commission may direct that the director investigate any alleged factual situation that may be grounds for disciplinary action under 81.13(1), and report the results of the investigation to the commission.

b. A disciplinary action may be prosecuted by the director.

c. Written notice by certified mail shall be given to an operator against whom disciplinary action is being considered, at least 20 days in advance, that an informal hearing before the commission at a specified date, time and place has been scheduled for the operator, at which the commission will determine whether a formal hearing is warranted or whether informal resolution can be reached. The operator may present any relevant facts and indicate the operator's position in the matter.

d. An operator who receives notice of informal hearing shall communicate verbally or in writing or in person with the director and efforts shall be made to clarify the respective positions of the operator and director. The staff may then come with a recommendation to the commission at the informal hearing concerning disciplinary sanction.

e. Failure to attend the informal hearing or otherwise communicate facts and position relevant to the matter by the scheduled date will be considered by the commission when determining whether a formal hearing is warranted.

f. If agreement as to appropriate disciplinary sanction, if any, can be reached with the operator and the commission concurs, a written stipulation and settlement between the department and the operator shall be entered. The stipulation and settlement shall recite the basic facts and violations alleged, any facts brought forth by the operator, and the reasons for the particular sanctions imposed.

g. If the commission determines that no disciplinary action is warranted on the facts asserted, the operator shall be notified of the decision in writing.

h. If the commission determines that a formal hearing is warranted to determine the appropriateness of any disciplinary sanction specified in 81.13(2), the director shall initiate formal hearing procedures. Notice and formal hearing shall be in accordance with 567—Chapter 7 of the rules of the department related to contested and certain other cases pertaining to operator discipline.

567—81.14(455B,272C) Revocation of certificates. Upon revocation of a certificate in accordance with the authority provided in Iowa Code section 455B.219 and chapter 272C, application for certification may be allowed after two years from the date of revocation. Any such applicant must successfully complete an examination and be certified in the same manner as a new applicant.

These rules are intended to implement Iowa Code sections 455B.211 to 455B.224 and Chapter 272C.

[Filed June 10, 1966; amended August 31, 1971, December 17, 1973, July 1, 1975]

[Filed 12/22/76, Notice 7/26/76—published 1/12/77, effective 2/16/77]

[Filed 2/25/77, Notice 12/15/76—published 3/23/77, effective 4/27/77]

[Filed emergency 7/27/78—published 8/23/78, effective 7/27/78]

[Filed 10/13/78, Notice 5/31/78—published 11/1/78, effective 12/6/78]

[Filed 1/20/82, Notice 7/22/81—published 2/17/82, effective 3/24/82]

[Filed emergency 6/3/83—published 6/22/83, effective 7/1/83]

[Filed 12/2/83, Notices 6/22/83, 7/20/83—published 12/21/83, effective 1/25/84]

[Filed 12/28/84, Notice 10/10/84—published 1/16/85, effective 2/20/85]

[Filed emergency 3/8/85—published 3/27/85, effective 3/8/85]

[Filed 7/12/85, Notice 5/8/85—published 7/31/85, effective 9/4/85]

[Filed emergency 11/14/86—published 12/3/86, effective 12/3/86]

[Filed 7/29/94, Notice 5/11/94—published 8/17/94, effective 9/21/94]